

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES N. BELSSNER,

Case No. 2:17-CV-2016 JCM (EJY)

Plaintiff(s),

ORDER

V.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Defendant(s).

Presently before the court is Magistrate Judge Foley's report and recommendation ("R&R"). (ECF No. 8). No objections have been filed and the time to do so has passed.

Judge Foley recommends dismissing *pro se* plaintiff Charles Belssner's complaint for failure to file an amended complaint. (ECF No. 8). The court screened plaintiff's complaint, found that he failed to state a valid claim, and instructed plaintiff to file an amended complaint before August 2, 2018. (ECF No. 4). Plaintiff filed an amended complaint and the court found he once again failed to state a valid claim. (ECF No. 7). Plaintiff was warned that failure to file another amended complaint would result in a recommendation for dismissal and plaintiff has not filed anything further in the case.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

1 Where a party fails to object, however, the court is not required to conduct “any review at
2 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
3 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
4 magistrate judge’s report and recommendation where no objections have been filed. *See United*
5 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
6 employed by the district court when reviewing a report and recommendation to which no
7 objections were made).

8 Nevertheless, this court conducted a *de novo* review to determine whether to adopt the
9 recommendation of the magistrate judge. Upon reviewing the recommendation and attendant
10 circumstances, this court finds good cause appears to adopt the magistrate judge's findings in
11 full.

12 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Judge Foley's R&R
(ECF No. 8) be, and the same hereby is, ADOPTED.

IT IS FURTHER ORDERED that plaintiff's complaint is hereby DISMISSED without prejudice.

17 The clerk is instructed to enter judgment and close the case accordingly.

18 DATED March 16, 2020.

~~Xem C. Mahan~~
UNITED STATES DISTRICT JUDGE